



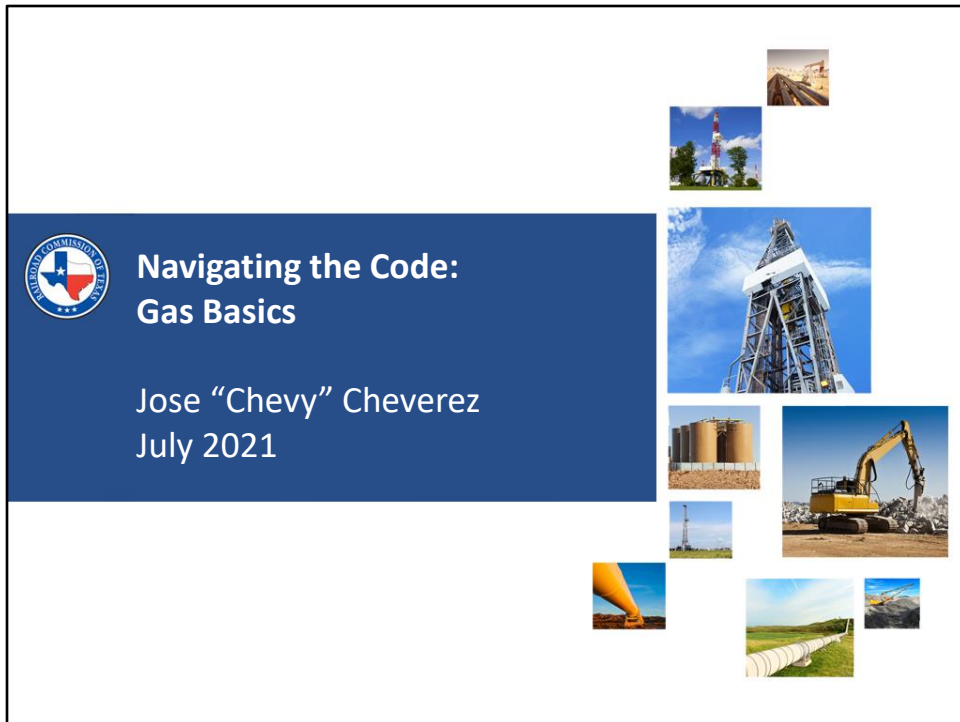
Railroad Commission of Texas

## **RRC Specialized Pipeline Inspections**

July 22, 2021

The meeting will begin shortly.





### **Navigating the Code: Gas Basics**

G'afternoon! I am Jose "Chevy" Cheverez, an Engineering Specialist at the Railroad Commission of Texas (RRC). I have supported the RRC since March 2014. During this time, I've become a qualified inspector for all inspection types, from Standard Comprehensive to all types of Integrity Management. Currently, I am the Lead Inspector for Operations & Maintenance as well as Liquefied Natural Gas. I hold a Bachelor of Science in Industrial Engineering from Hofstra University, with minors in Mathematics and Management. I'm also an US Army veteran and I've lived with my family in the Dallas-Fort Worth area since moving to Texas in 2012.



This presentation is available for download from the RRC website at

<https://www.rrc.texas.gov/oil-and-gas/workshops-and-conferences/rrc-regulatory-webinars/regulatory-webinars-2021-schedule/>

## RRC Regulatory Overview



The Railroad Commission serves Texas through:

- Our stewardship of natural resources and the environment;
- Our concern for personal and community safety; and
- Our support of enhanced development and economic vitality for the benefit of Texans.

## RRC Regulatory Overview

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Today, I will be assisting pipeline operators to advance safety in the delivery & use of their petroleum products and in the operation of their pipeline systems through training, promoting, educating, and enforcing regulations. I will be discussing: a basic history of pipeline safety regulations, description of code subparts and sections, how to read and interpret the regulations, and prescriptive versus performance requirements.

## Historical Overview



- Natural Gas Pipeline Safety Act of 1968
  - Interim Rules effective Dec 12, 1968
  - Final Rules effective Mar 13, 1971
- Basics of current Part 192 code
  - Amended to correct, modify, & add requirements
  - Currently 254 sections in 16 Subparts with 6 appendices
  - 56 Incorporated By Reference Standards (IBR)
- **PROMOTE PUBLIC SAFETY**

## Historical Overview

The regulation of natural gas began with the Natural Gas Pipeline Safety Act of 1968. On Aug 12, US Congress passed the Act into law, requiring the Secretary of Transportation to adopt within 3 months interim safety standards (which were based on existing State laws), and within 24 months establish federal safety standards. The interim standards became effective on Dec 13, 1968, and federal standards became effective March 13, 1971. This is the basis of the current Part 192.

The current edition of the legislation is known as the Protecting our Infrastructure of Pipelines Enhancing Safety (PIPES) Act of 2016. From the original Act to present, the rules have been amended over 160 times and counting, to correct, modify, add, or remove requirements. There are 254 individual sections, grouped into 16 subparts, with 6 appendices. Part 192 also includes 56 standards that have been Incorporated By Reference (IBR), which are discussed later in this presentation. The most recent amendment at the time of this writing occurred on January 11, 2021, which included the withdrawal of enforcement discretions and the repeal of certain requirements.

All the sections, subparts, and standards codified in the Natural Gas Pipeline Safety Acts have a singular purpose – to **PROMOTE PUBLIC SAFETY**.

## Pipeline Regulations



- 49 CFR
  - Part 191 – Reporting Requirements
  - Part 192 – Gas Pipelines
- Part 199 – Drug Test
- TAC Title 16
  - Ch. 8 – Pipeline Safety
  - Ch. 18 – Damage Prevention

### Pipeline Regulations

The Oversight & Safety Division (O&S) of the RRC has departments for Alternative Fuels, Gas Services, Damage Prevention, Pipeline Permitting, and Pipeline Safety. The Pipeline Safety Department ensures that the pipelines in Texas' pipeline infrastructure are designed, constructed, operated and maintained safely. In addition, the Pipeline Safety Department enforces compliance by intrastate pipeline operators with federal and state laws & regulations, as well as promotes public safety and awareness through the pipeline Damage Prevention Program for Texas.

The Commission is authorized by the Texas Utility Code, Texas Natural Resources Code, and PIPES Act to regulate the safety of intrastate gas, hazardous liquid and CO2 pipelines in Texas. To that end, the Pipeline Safety Department uses Texas Administrative Codes (TACs) under Title 16 to enforce both federal and state safety standards. For Texas requirements, refer to Chapter 8 – Pipeline Safety Regulations and Chapter 18 – Underground Pipeline Damage Prevention, which will be discussed today.

Federal safety standards are authorized under the Department of Transportation, Title 49 Code of Federal Regulations, commonly shortened to 49 CFR ###, where ### represents the Part. For Gas Pipelines, these Parts include:

- Part 191 – Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports

- Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards
- Part 199 – Drug and Alcohol Testing

## 49 CFR 191



- 15 sections: 191.1 through 191.29
  - Scope & Definitions
  - Incident Notification (Immediate & Reports)
  - Annual Reporting (All system types)
  - Operator Identification (OPID)
  - Safety-Related Condition Reporting (SRCs)
  - National Pipeline Mapping System (NPMS)

### 49 CFR 191

Titled Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports, this code is required for all interstate & intrastate operators and details the minimum reporting requirements. As with other codes, it begins with the scope, applicability, and definition sections. Though there are no subparts to CFR 191, there are two “groups” of reports that must be reported. Regardless of the report, all operators must obtain an Operator Identification (OPID) number in order to file any of the written reports. Particular attention should also be made to the method of reporting, as some reports are required to be filed online or by phone while others may be filed by fax or mail.

The first “group” of reports are filed periodically. These include the Annual Report and National Pipeline Mapping System (NPMS). All operators must file the applicable Annual Report, noting that separate reports are needed for distribution operators and gathering or transmission operators. Only transmission operators must file NPMS report. The Mechanical Fitting Failure Report was recently repealed and is no longer required for distribution operators.

The second “group” are reports that are needed based on circumstance. These include Incident reports and Safety-Related Condition (SRCs) reports. These reports are filed and updated (as necessary) according to the requirements of the applicable section. Incidents require two telephonic reports and at least one written report,



commonly known as a 30-day report. This report must also be updated as necessary by filing supplemental or final versions of the 30-day report. Depending on the circumstances, an initial 30-day report may also act as a final report. Similarly, an SRC report must be filed when the deadlines or conditions are met in 191.23 or 191.25. SRC's may include supplemental updates and will always require a "closing report" when the SRC has been eliminated.

Knowing when to file an SRC can be complicated when accounting for the type of SRC, location of the SRC, the discovery date, and the determination date. Similarly, within the first hour of a possible Incident, it may be difficult to determine if the event is reportable when determining damages, gas loss, or the extent of any injuries. Keep in mind – a report that was made but not required may be retracted, but a report that was required but not made cannot be corrected.

## 49 CFR 192



- Subparts A – General to P – Distribution Integrity Management Program
  - **Retroactive Subparts (K I L A M O P)**: Applies to all existing pipelines, regardless of the date of construction; Governs the operations, maintenance, remediation, & management of pipeline facilities
  - **Non-Retroactive Subparts (B C D E F G H J N)**: Applied according to construction date, activation date, or effective date; also known as “grand-fathered”
  - Retroactivity is based on 192.13

### 49 CFR 192

The principal requirements for gas operators are contained in 49 CFR 192. As previously mentioned, there are 254 section in 16 Subparts, six appendices and 56 IBRs. Each Subpart is intended to assist in identifying similar code sections but are not independent. All applicable requirements must be met even if they are in separate sections, subparts, IBRs, or appendices. A key aspect of Part 192 is that there are retroactive and non-retroactive Subparts. Retroactivity is based on the dates and stipulations of 192.13.

The Retroactive subparts are A, I, K, L, M, O, and P, which are also known by the abbreviation KILAMOP. These Subparts are applicable to all pipeline facilities regardless of construction date or operation date. These Subparts include the critical safety requirements used to maintain and operate the facilities, such as corrosion control, integrity management, and general operations & maintenance.

The Non-retroactive Subparts are the remaining Subparts – B, C, D, E, F, G, H, J, and N. These Subparts govern the design, construction, and testing of pipelines. This prevents an operator from the necessity of upgrading or replacing segments, components, or piping when changes to the code are made. However, note that most of these Subparts are applicable to the original construction date or activation date. These segments or facilities are known be to “grand-fathered,” in that the rules that applied at the time of its construction are applicable, not the current codes. However,

if piping, components, or facilities are replaced, relocated, or otherwise changed, the affected items may “lose their grandfather status” and the current code is now applicable.

## 49 CFR 199



- 3 Subparts with 36 Sections
  - Subpart A – Scope, Applicability, Definitions, and Stand-Down Waivers
  - Subpart B – Anti-Drug Plan requirements
  - Subpart C – Alcohol Misuse Plan requirements
  - Drug & Alcohol Testing is conducted per 49 CFR Part 40

### 49 CFR 199

The last, but not least, applicable part to gas operators is 49 CFR 199 for Drug & Alcohol Testing. The part only has three subparts. Subpart A includes the scope, applicability and definitions like most other codes. It also includes a process for requesting a Stand-Down Waiver that is otherwise prohibited. Subparts B and C cover the requirements for Anti-Drug Plans and Alcohol Misuse Plans, respectively.

The length and scope of the part is somewhat misleading, as Part 199 merely covers “what to do” to meet the requirements. 49 CFR Part 40 identifies, in prescriptive and explicit detail, “how to do” drug & alcohol testing. As with Parts 191, 192, TAC 8, and TAC 18, the responsibility lies on the operator to ensure compliance.

## TAC Title 16, Chapter 8



- 4 Subchapters – A through D
- A: General Requirements & Definitions
  - Applicability & Standards; Definitions
- B: Requirements for All Pipelines
  - P-5; IMP; Records; Gathering; PS-48; Waivers
- C: Requirements for Gas Pipelines Only
  - Fees; Supplements; Leak Complaints; Reports; Public Education & Liaison; “Distribution Requirements”

### **Texas Administrative Code Title 16, Chapter 8**

Title 16, Chapter 8 (or TAC 16, Ch. 8) has four subchapters identified A through D. For Gas operators, only Subchapters A, B, & C apply since Subchapter D is applicable only to Hazardous Liquid Operators.

Subchapter A is titled “General Requirements and Definitions.” It covers the applicability and standards adopted by Texas for Texas intrastate pipeline facilities under 8.1. It also includes a definition Section 8.5 for terms defined by Texas for use in Chapter 8. As of Jan 6, 2020, all gas & liquid pipelines in Texas are regulated, regardless of class location or function, to include production lines and flow lines according to 8.1 and 8.110.

Subchapter B is applicable to all intrastate pipelines in Texas – gas and liquid; gathering, transmission, & distribution. As of Jan 6, 2020, all intrastate gas & liquid pipelines in Texas are regulated, regardless of class location or function, to include production lines and flow lines according to 8.1 and 8.110. Therefore, all operators must meet the applicable requirements of Subchapter B. This includes the P-5 Organization Report (8.51), Pipeline Integrity Management for gas transmission that is not already covered by the Federal Integrity Management Program (8.101), and recordkeeping (8.105), and New Construction reporting (8.115). Subchapter B also includes the requirements for the “newly regulated” pipelines under 8.110. Lastly, Waiver Procedures are available under 8.125 if an operator seeking to apply for a

waiver of any part of Chapter 8, Chapter 18, or CFR 191 or 192.

Subchapter C is applicable to intrastate gas pipeline only. Section 8.210 covers program fees for Distribution operators, including Master Meters. Note that T-4 permitting fees and requirements are covered under 8.1 and TAC 16, Ch 3.70. Texas supplements specific corrosion control requirements under 8.203. Texas also requires all gas operators to include written procedures for handling gas leak complaints under 8.205, complete the reporting requirements under 8.210, and conduct the Liaison activities under 8.235. Sections 8.206, .207, .208, & 2.09 are applicable only to Distribution operators, including Master Meters, and cover Leak Survey Programs, Leak Grading & Repair, Mandatory Removal & Replacement Programs, and Facility Replacements, respectively. The remaining Sections 8.215 for Odorization, 8.220 for Master Meters, 8.225 for Plastic Piping, 8.230 for School Pipe Testing, and 8.240 for Discontinuance of Service are required as applicable.

## TAC Title 16, Chapter 18



- 12 Sections: 18.1 through 18.12
  - Scope, Applicability, Provisions, & Definitions
  - Excavator Notifications & Obligations
  - Excavator & Operator Obligations
  - General Marking Requirements
  - Excavator & Operator Marking Requirements
  - Excavation in the Tolerance Zone
  - Reporting Requirements

### **Texas Administrative Code Title 16, Chapter 18**

TAC 16, Ch. 18 governs damage prevention programs in Texas. Generally prescriptive in nature, the code identifies the minimum requirements regarding excavation. As with other codes, Section 18.1 identifies the scope, applicability, and general provisions. 18.2 is the definition section of Ch. 18. When reviewed together, what is considered “excavation” in Texas is a broad concept. Therefore, the remaining sections further clarify and identify the minimum requirements while excavating or when excavation occurs near pipeline facilities.

Unlike the Federal & State codes for pipelines, Ch. 18 includes requirements for the excavator as well as the operator. Operators and excavators are both required and encouraged to communicate clearly and concisely in order to prevent damage or unsafe conditions of underground facilities. To facilitate these efforts, Texas has a qualified 811 program as identified in which operators must enroll to meet 49 CFR 192.614(c)(3). As of July 31, 2019, Texas 811 is the only qualified 811 program. Please note that this program assists operators comply with damage prevention requirements but does not relieve the operator of the responsibility for compliance.

Ch. 18 covers the minimum requirements for excavation reports (also known as dig tickets), recordkeeping, marking requirements for excavators & operators. Upon that, there are requirements if excavating in the Tolerance Zone, reporting requirements if there is a damage or release, as well as options for managing excavations and

protocols for the particular characteristics of an excavation site.





**CODE = LAW**  
**Non-Compliance =**  
**Additional Risk**  
**No Record = Did Not**  
**Happen**

### **Pipeline Codes**

All the pipeline codes discussed so far are State or Federal Law. They are the minimum safety standards that operators must meet in order to be compliant. Non-Compliance is a violation of the law and adds potential risks to the public, property, and personnel. Violations may require correction, additional actions, or monetary or other penalties to be incurred as determined by the RRC.

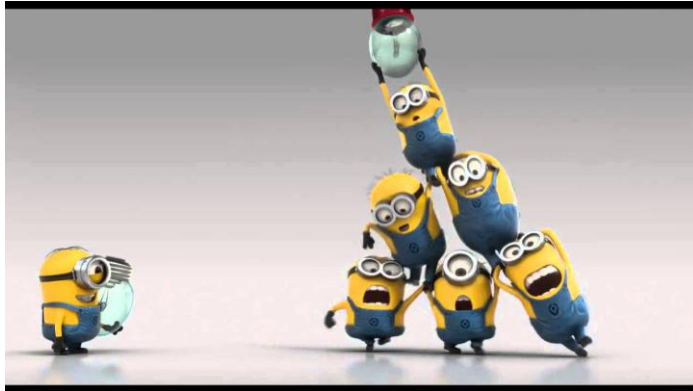
Pipeline Safety Inspectors conduct inspections and evaluations to determine compliance. Records, evidence, or proof otherwise must be provided in order to determine compliance. Otherwise, the compliance requirement is considered to have "not occurred." Inspectors cannot accept verbal or circumstantial confirmation as proof of compliance. If there is no record, it did not happen.

Pipeline Safety Inspectors cite alleged violations. The statements above are not intended to imply, insinuate, or suggest that operators do not have the right to due process as required by Texas Law. Any alleged violations may be contested through the Safety Evaluation Summary letter or Docket received after an inspection is completed.

## We Are Here to Help



**Q:** How many pipeline inspectors does it take to screw in a lightbulb?



### We Are Here to Help

**Question:** How many pipeline inspectors does it take to screw in a lightbulb?  
{Photo of seven Pixar Minions attempting to change a lightbulb.}

**Answer:** It depends. When was the bulb manufactured? What is the active service date of the lamp? Is it a floor lamp or desk lamp? Is “screwing in lightbulbs” a covered task? Are there covered employees available for screwing in lightbulbs? Does the manufacturer have minimum requirements for screwing in the lightbulb? Are the lamp and lightbulb compatible? Has the bulb been inspected before, during, or after screwing into...

Compliance with a plethora detailed requirements across a multitude of standards through a myriad of technical complexities is not an easy task. But the lives of the general public, operator employees, and inspectors are at stake. RRC inspectors are there to assist in the task and insist on the requirements. The remainder of this presentation will focus on providing guidance on how the regulations are written, assisting operators in understanding the codes, and insisting on meeting all of the state and federal requirements.

## Pipeline Code Guidance (1 of 3)



- “this part” = **All** of 192
- “this subpart” = that subpart **only**
- “this section” = that section **only**
- Sections may have “sub-sections”
- Sections are applied in their **entirety**
- Sections are required by pipe type, facility, or component
- Sections are **NOT** independent

### Pipeline Code Guidance (1 of 3)

As previously described, the codes are divided into Parts (federally) or Chapters (state), then subparts or subchapters, and finally sections. When the code states these divisions, they are intended to be applied at that level of division. For example, the previously discussed section 192.13 states that it applies to all requirements of “this part,” meaning all of 49 CFR 192. Along the same guideline, the “grandfathered” segments previously discussed may be exempt from some or all of the requirements of Subpart I – Corrosion Control. Lastly, “this section” will also follow the same guideline, such as 192.605(b) that identifies the procedures required to be included in 192.605(a).

While a few sections are all-inclusive into a single statement, most are divided into “sub-sections” that identify individual requirements in order to meet that section. For instance, 192.619(a) establishes the Maximum Allowable Operating Pressure (MAOP) for steel or plastic pipelines. Within the section, there are three methods to establish the MAOP – .619(c) by safe operating pressure, .619(d) by alternative MAOP, or by the lowest 619(a)(1) through (a)(4).

Each section must be applied, in its entirety, from start to finish, noting the punctuation, sub-sections, and applicability or exemptions. Using the same example from above, establishing MAOP has multiple steps, factors, and considerations in order to identify or apply the appropriate method. Upon this, requirements like

.619(c) for safe operating pressure can preclude the use of other methods as well as add additional requirements like .739(b) for pressure controlling, regulating, or limiting devices.

The section will also identify the type of pipeline, facility, or component to which it applies. This is certainly an important and obvious distinction made under 192.9 for the requirements of Type A and Type B gathering pipelines.

Lastly, Sections are not intended to be independent. Even though sections are identified in Subparts, some things require compliance from other sections of code. For example, Subpart J for testing requirements is required by 192.14 (Conversion to Service), 192.177 (Provisions for Bottle-Type Holders), 192.611 (Class Location Change: Confirmation or Revision of MAOP), 192.620 (Alternative MAOP), 192.921 (Integrity Management Baseline Assessments), 192.937 (Integrity Management Continual Assessments), and even Appendix B (Qualification of Pipe & Components).

## Pipeline Code Guidance (2 of 3)



- “Shall,” “Will,” or “Must” = Mandatory & Imperative
- “May” = permitted or authorized
- “May Not” = not permitted or unauthorized
- “Includes” or “Including” = “including but not limited to-”
- No singular or plural, masculine or feminine
- Definitions: specific words or phrases are
  - Defined in 192.3 or 191.3, then
  - By Interpretation, Advisory Bulletin, or FAQ, then
  - By “Webster-Merriam”

### Pipeline Code Guidance (2 of 3)

Part 192.15 is an exception to the definition section of 192.3. In this section, certain terms are outlined to clarify their use as intend rather than to define them differently. When these terms are used, their intent is supplemented by the description under 192.15.

With this in mind, the code does not intend to imply singular or plural nouns, nor masculine or feminine context. Words such as shall, will or must are used in the imperative sense and are mandatory, whereas may or can are used in the permissive sense and are authorized. Conversely, may not or shall not are prohibited and are unauthorized. Lastly, the verb include is intended to impart “including but not limited to.”

## Pipeline Code Guidance (3 of 3)



- Minimum Safety Standards
  - Can voluntarily exceed minimum standards
  - Any written standards are enforceable
- Intervals of Inspection usually defined
  - Can do early, but not late
  - XX per calendar year, not to exceed XX months
- Recordkeeping intervals dependent on record
  - TAC 16, Ch. 8.105

### Pipeline Code Guidance (3 of 3)

The standards adopted by the federal and state codes are the minimum safety standards. Operators are encouraged to voluntarily exceed the minimum standards as necessary for their specific operations and specifications. Please note that requiring additional standards in any policy, plan, program, or procedure becomes enforceable as if it were the minimum standard. Take this into careful consideration when implementing any requirements according to the manuals, programs, or plans.

Intervals of inspection are usually defined in Part 192. For instance, the normal intervals for Patrols and Leak Surveys are specifically identified in Part 192 as applicable to transmission or distribution. An operator may change the timeline of a normal interval by completing the interval early or even later but cannot exceed the maximum interval. This maximum interval is sometimes called a “buffer” to account for changes or events such as unforeseen weather, operational changes, or other situational difficulties, and is usually stated as “not to exceed,” or “not exceeding.” Please note that circumstances may require more frequent intervals than those defined as the minimum. An operator is responsible for determining the appropriate interval depending upon the situation or circumstances.

As with operational intervals, records are required to be maintained to verify compliance. While most recordkeeping intervals are defined in Part 192, those that are not explicitly identified are supplemented by TAC 16, Ch. 8.105. This state code

defaults recordkeeping to five years if the interval is not defined by code.

## IBR Standard Guidance



### 192.7 – Incorporated By Reference Standards (formerly Appendix A)

- IBRs are included as though set out in full
  - 192.616(a) – API RP 1162
- When only a portion is referenced, the remainder is not incorporated
  - 192.241(c) – Section 9 of API Std 1104
- Only the Edition listed can be used
  - Exception: API Spec 5L 46<sup>th</sup> Edition

### **Incorporated By Reference Standard Guidance**

The “extensions” to the terms in the previous slide are particularly important when referring to IBRs which are intended to be treated as if they are written into Part 192. For instance, when an IBR standard states shall, will, or must, it is considered mandatory and imperative as if it were written directly into Part 192. As in the case with 192.616(a), API RP 1162 (1<sup>st</sup> Edition) incorporates the entire standard, which includes the general, baseline, and supplemental requirements, including appendices and guidance, as well as account for unique attributes or characteristics of the operator’s pipelines and facilities.

On the other hand, when only a portion of an IBR is referenced, the remainder of the IBR is not incorporated or enforceable. Such is the case in 192.241(c) where only Section 9 of API Std 1104 (20<sup>th</sup> Edition) is required.

Lastly, only the edition of the IBR identified in 192.7 can be used to meet the requirement. This is significant when non-retroactive subparts apply to segments, components, or facilities. The exception to this rule is when PHMSA publishes a notice of Stay of Enforcement or Enforcement Discretion. Case in point, operators may adopt API 5L 45<sup>th</sup> or 46<sup>th</sup> Editions effective May 1, 2019 in notice to all operators.



## Prescriptive vs Performance (1 of 3)



- Prescriptive Regulations – specific, established requirements that define the minimum
  - 192.625 – Odorization of Gas
  - Who, Where, What, & How are identified & required
- Performance Regulations – broad description of the minimum requirement that must be met
  - 192.613 – Continuing Surveillance
  - Operator determines unsatisfactory conditions, substantial changes, immediate hazard, and appropriate actions

### Prescriptive vs. Performance (1 of 3)

There are generally two types of requirements in the federal and state codes – Prescriptive and Performance. These two regulation types are used to ensure compliance while allowing operators flexibility to account for their specific operations.

Prescriptive regulations are specific, established requirements that the codes define as the minimum standard. 192.625 for the Odorization of Gas is an example of a prescriptive regulation. This code identifies – the level of odorization, what pipelines require odorization, odorant compatibility, flammability, toxicity, solubility, introduction into the pipeline, and concentration testing.

Performance regulations, on the other hand, are broad descriptions of minimum standards to which the operator may use any method to comply. For instance, 192.613 for Continuing Surveillance requires operators to implement a procedure to determine and take action under certain conditions or changes. The operator then has the flexibility to define or determine what constitutes a hazardous condition or substantial change, what is an immediate hazard, and what actions are appropriate for each condition, change, or hazard.

## Prescriptive vs Performance (2 of 3)



### Prescriptive Regulations

- Advantages:
  - Easy to determine compliance
  - Easy to determine course of action
  - Gives uniform means of compliance
- Disadvantages:
  - Does not allow for variations
  - Does not state safety level
  - May require unnecessary cost

### Prescriptive vs. Performance (2 of 3)

Using the previous example for Odorization under 49 CFR 192.625, the advantages and disadvantages of Prescriptive regulations can be identified. Please note that this is an example only and not intended to interpret or define the requirements for Odorization.

#### Advantages

- Determining compliance is as simple as itemizing the requirements under 192.625.
- The course of action when odorization is inadequate is to simply increase or supplement the odorant until the requirement has been met.
- Inspectors and operators alike can use uniform standards, equipment, and qualifications to determine if odorization levels are adequate

#### Disadvantages

- As a minimum requirement, operator must meet the one-fifth requirement without variation, which may prevent the application or invention of more potent odorants
- Meeting the odorization requirement, in and of itself, does not guarantee a level of safety. Odorization is inherently mitigative and therefore does not prevent a hazard
- As with the first disadvantage, the requirements may necessitate unnecessary or uneconomical odorization equipment or odorant costs in order to comply

## Prescriptive vs Performance (3 of 3)



### Performance Regulations

- Advantages
  - Allows adaptation to individual situations
  - Encourages development of new equipment
  - Most economical solution to achieve safety
  - Promotes safety and not “letter of the law”
- Disadvantages:
  - Difficult to determine compliance
  - Operators may not understand
  - May create improper solutions and safety problems

### Prescriptive vs. Performance (3 of 3)

Likewise, we can use Continuing Surveillance under 49 CFR 192.613 to identify the advantages and disadvantages of Performance regulations.

#### Advantages

- Adaptation to an operator’s situation can allow better or more accurate assessments for hazards
- Performance regulations may encourage the development or invention of better equipment such as composite piping with embedded sensors or drone surveillance
- Allowing individualized processes for unique situations is a more economical solution with an equivalent level of safety
- Surveillance that is both economical & effective promotes safety rather than the “letter of the law” that may otherwise preclude better surveillance methods

#### Disadvantages

- Without additional guidance, determining compliance for new surveillance technologies is difficult for operators and inspectors alike
- Broad descriptions of minimum requirements may be interpreted differently, leading to ambiguous or ineffective identification of “substantial changes”
- “Appropriate actions” identified may be ineffective or improper based on the unsatisfactory conditions or immediate hazards

**Thank You!**



**Questions?**

**Thanks!**

Jose "Chevy" Cheverez

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512-865-1579

**Thank You!**

This presentation covered the general history, regulatory basics, and general requirements of the state and federal pipeline safety regulations. Other specialized inspections are conducted to ensure compliance on a more in-depth level. The RRC conducts Operations, Maintenance, & Emergency Plans (OM&Es), Damage Prevention & Public Awareness Programs (DP/PA), Anti-Drug and Alcohol Misuse Programs (D&A), Operator Qualification Programs (OQ), Control Room Management (CRM), Integrity Management Plans (IMP), New Construction (NC), and Accident & Incident Investigations. Each of these specialized inspections has a Lead Inspector available to answer questions, discuss requirements, or assist with compliance. Please contact the RRC for information on the Lead Inspectors or Specialized Inspections.

The remainder of the presentation is allotted for questions. Additional questions, comments, or concerns can be addressed to Chevy at the contact information below. Thank you for your time and attention.

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### **Evaluation**

- Please complete the evaluation available on the RRC website at  
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### **Archive Video**

- A link to the archive video of the webcast will be available on the same webpage as the presentation.